

Transfer of the registered office The European Commission's decision not to submit a proposal for a Directive

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Abstract

Rather unexpectedly, the process for the adoption of the Fourteenth Company Law Directive on the cross-border transfer of the registered office was recently suspended. This paper discusses the Commission's change in policy. The author examines the Community's competence to adopt a Directive on seat transfer as well as the position of the European Parliament with regard to such a directive. The Commission's reasons for not submitting a proposal for the directive are part of the elaboration. An examination of the economic benefits of the Fourteenth Directive also follows. The *Cartesio* case, currently pending before the European Court of Justice, is analysed in this respect. The author concludes that the motivation the Commission provides for not submitting a proposal for a fourteenth Directive is not convincing and he states that a Directive on seat transfer should be adopted after all.

Keywords

cross-border seat transfer; transfer registered office; fourteenth Directive; EU company law

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